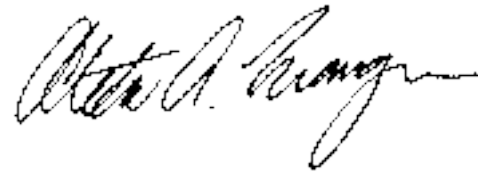


UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION



UNITED STATES OF AMERICA )  
 )  
 v. ) No. 3:08-00202  
 ) Judge Trauger  
 LANERRICK G. JOHNSON )

MOTION OF THE GOVERNMENT TO DISMISS THE INDICTMENT

The United States of America (the Government), by and through its undersigned attorney, hereby moves for the issuance of an order dismissing the indictment in this case, in the interest of justice. As reasons for this motion the Government state the following.

On August 29, 2011, the U. S. Court of Appeals for the Sixth Circuit reversed this Court's decision denying defendant's motion to suppress evidence. The U. S. Department of Justice Office of the Solicitor General has informed the undersigned's office that neither a petition for a *Rehearing En Banc* nor a petition for a *Writ of Certiorari* will be pursued. Accordingly, the inability of the Government to use the now suppressed evidence results in the Government lacking sufficient evidence to warrant its continuing prosecution in this case.

Wherefore, for the forgoing reasons, the Government request that this motion be granted and that the indictment in this case be dismissed, in the interest of justice.

Respectfully submitted,

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